

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 07/2021)

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF TEXAS  
\_\_\_\_\_  
DIVISION

United States Courts  
Southern District of Texas  
FILED

MAR - 3 2022

Luis Miguel Urving #187967  
Plaintiff's Name and ID Number

Nathan Ochsner, Clerk of Court

Brazoria County Detention Center  
Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

Brazoria County / 3602 County Rd. 45 Angleton, Tx 77515  
Defendant's Name and Address

\_\_\_\_\_  
Defendant's Name and Address

\_\_\_\_\_  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of **\$402.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? \_\_\_ YES ☒ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: N/A
  2. Parties to previous lawsuit:
    - Plaintiff(s) N/A
    - Defendant(s) N/A
  3. Court: (If federal, name the district; if state, name the county.) N/A
  4. Cause number: N/A
  5. Name of judge to whom case was assigned: N/A
  6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
  7. Approximate date of disposition: N/A

- II. PLACE OF PRESENT CONFINEMENT: Brazoria County Detention Center
- III. EXHAUSTION OF GRIEVANCE PROCEDURES:  
Have you exhausted all steps of the institutional grievance procedure? ✓ YES ✓ NO  
Attach a copy of your final step of the grievance procedure with the response supplied by the institution.
- IV. PARTIES TO THIS SUIT:
- A. Name and address of plaintiff: Luis Miguel Urrina # 187967  
Brazoria County / 3602 County Rd. 45 Angleton, Tx 77515  
Detention Center
- B. Full name of each defendant, his official position, his place of employment, and his full mailing address.
- Defendant #1: Brazoria County  
3602 County Rd. 45 Angleton, Tx 77515  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Civil Rights Violation / See Attached Complaint
- Defendant #2: N/A  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
- Defendant #3: N/A  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
- Defendant #4: N/A  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
- Defendant #5: N/A  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

See Attached  
Claim

## VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes. 1) Brazoria County Officials provide Pre-Trial Services with Guiding Hand of Counsel every stage of Magistrate & PC Hearing

2) Asking Court/Brazoria County to dismiss charges: Murder - F1 & Agg. Assault w/ Dead Weapon - F2  
3) Brazoria County grant \$ 800,000

## VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Luis Miguel Druma

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#187967, #02244133

## VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

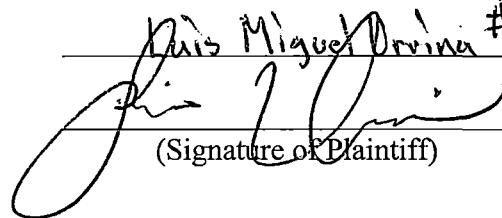
2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES ☒ NO
- D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): N/A
  2. Case number: N/A
  3. Approximate date warning was issued: N/A

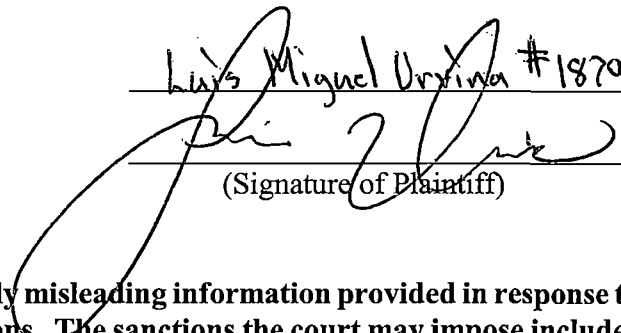
Executed on: 02/17/2022  
DATE

Luis Miguel Urrina # 187967  
  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 17<sup>th</sup> day of February, 20 22.  
(Day) (month) (year)

Luis Miguel Urrina # 187967  
  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

## 1983 Civil Rights Complaint

Prisoner: Luis Miguel Urrina # 187967

Brazoria County Detention Center

- 1) On Sunday Jan. 23, 2022, I was taken into custody by Brazoria County. Upon entering the jail and being processed in, it was at that moment, that I was subjected to Pre Determined bail because the hearing had already been conducted without me being present, where as I was only made to sign for receipt of the hearing where all my notices were filled out and passed to me to sign in the Magistrate office in the jail. Law specifically states that I must be physically present for my hearing, but Brazoria County Officials denied me this fundamental right. It was at that moment that officials denied/subjected me to Pre-Determined Bail. At no time did the Magistrate ask me if I would like to be appointed counsel, and at no time was I allowed or given the opportunity to confer with competent counsel prior to the proceedings. Imprisonment cannot be imposed without the representation of counsel, because it is a Constitutional requirement.
- 2) There was no one present from Pre-Trial Services in the form of Competent Counsel to speak on my behalf for purposes of bail before, during, or after my initial appearance. Prior to any extended restraint of my liberty, it is the duty of Pre-Trial Hearing Services to collect, verify, and report to the judicial officer prior to the Pre-Trial Hearing information pertaining to the Pre-Trial release of an individual charged with an offense. None of these required proceedings were done prior to my hearing even though the appointment of counsel for an indigent is required at every stage of a criminal proceedings where a defendants substantial rights might be affected. Magistral arraignments are considered to be adversarial judicial proceedings, meaning my 6<sup>th</sup> Amendment right to counsel is automatically attached because accusatory proceedings have been initiated against me. At no time did I waive my right to be represented

by Competant Counsel.

- 3) I was denied the Guiding Hand of Counsel during every critical stage of these proceedings, as there was no constructive attempt on the part of Brazoria County Officials part to ever satisfy Due Process of Law from beginning to end. It was definitely within the realm of probability that I could have been granted a totally different bail amount on the arraigned charges if I had been given the chance to confer with Pre-Trial Services and had been represented by competent Pre-Trial Services Counsel prior to my hearing for PC. Their actions were not in agreement with current Constitutional Standards and make it impossible to conclude with any degree of certainty, that my cause could be adequately arraigned and presented without proper representation of counsel before the Court. And because of these egregious errors that Brazoria County Officials committed which injuriously affected my liberty, I was subjected to Pre-Determined Bail as well as a host of other Constitutional violations simply because of Brazoria County Officials refusal to operate according to Standard Operating Procedure. Due Diligence cannot be remedied by a new hearing, the failure to exercise Due Diligence cannot be considered a harmless error.